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PATENT

S/N 09/886,146

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|-----------------|-------------------|
| Applicant: | Brezak et al. | Examiner: | Yasin M. Barqadle |
| Serial No.: | 09/886,146 | Group Art Unit: | 2153 |
| Filed: | June 20, 2001 | Docket No.: | 14917.461US01 |
| Title: | METHODS AND SYSTEMS FOR CONTROLLING THE SCOPE OF DELEGATION OF AUTHENTICATION CREDENTIALS | | |

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this correspondence is being sent via facsimile to (571) 273-8300, Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 19, 2006.

By: 

Name: Alice M. Baum

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

VIA FACSIMILE (571) 273-8300

Attention: Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THE THIS APPLICATION.

As required under the rules and regulations of the U.S. Patent & Trademark Office, the applicant submits the following with this petition:

- (1) A petition fee of \$1,500.00; ✓
- (2) A fee for a request for continued examination of \$790.00; ✓

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- (3) The following Statement that the entire delay was unintentional (and, for the applicant, unavoidable).

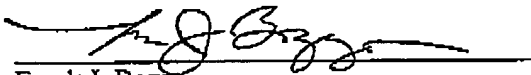
The Commissioner is hereby authorized to charge the foregoing fees, any underpayment of fees or credit any overpayments, to Deposit Account No. 13-2725. Pursuant to 37 C.F.R. § 1.136(a)(3), Applicant authorizes the Office to treat this reply, as well as any concurrent or future reply that may require an extension of time for timely submission as incorporating a petition for extension of time to the appropriate length of time. Applicants thus provide this authorization to charge all required fees, including fees under 37 C.F.R. § 1.17, or all required extension of time fees, as a constructive petition for an extension of time for its timely submission.

In consideration of this petition, together with the documents, fees, and statement of unintentional delay filed herewith, Applicant respectfully requests revival and reconsideration of this application. If the Examiner or anyone with the Office has any questions, please do not hesitate to contact the undersigned attorney at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(206) 342-6200

Date: September 19, 2006


Frank J. Bozzo
Reg. No. 36,756
Direct Dial (206) 342-6294



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By: 

Name: Alice M. Baum

STATEMENT ATTESTING TO UNINTENTIONAL DELAY IN FILING A RESPONSE

VIA FACSIMILE (571) 273-8300

Attention: Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. In the following paragraphs, the undersigned attorney submits the following reasons why the delay was unintentional (and unavoidable for the applicant).

1. The subject application was drafted and previously drafted by the law firm of Lee & Hayes, PLLC, 421 West Riverside Drive, Suite 500, Spokane, Washington 99201, also having an office at 1101 Western Avenue, Suite 906, Seattle, Washington 98104.
2. Until August 2006, the undersigned attorney was associated with Lee & Hayes PLLC, and submitted the most recent response in this case, a Response to a Final Office Action dated February 27, 2006, that was submitted on July 13, 2006.

3. The undersigned attorney spoke with the Examiner by telephone prior to the filing of the response, and had some optimism that the application might be allowed without further examination. (The undersigned attorney does NOT suggest that the Examiner in any way misled the undersigned attorney into believing that an agreement on allowance had been reached; the undersigned attorney merely believed that, based on the amendments to the claims submitted, that the application might have been allowed based on the submitted response without a Request for Continued Examination.)
4. In July 2006, after the filing of the most recent response in this case, the undersigned attorney was offered a position with the law firm of Merchant & Gould P.C. The undersigned attorney accepted that offer.
5. In August 2006, the undersigned attorney gave notice to Lee & Hayes PLLC that he would be leaving their employ.
6. Subsequent to giving notice to Lee & Hayes PLLC, the undersigned attorney was relieved of his ongoing prosecution docket for the applicant in this case, Microsoft Corporation, as well as for his other clients. The only exceptions were a few enumerated matters for other clients that the undersigned attorney wanted to handle personally before leaving Lee & Hayes PLLC.
7. The undersigned attorney was neither notified of any deadlines nor responsible for any further prosecution of this case, or any other cases for Microsoft Corporation, after mid-August 2006 while still in the employ of Lee & Hayes PLLC.
8. The undersigned attorney's last day with Lee & Hayes PLLC was August 25, 2006.

9. On his last day in the employ of Lee & Hayes PLLC, the undersigned attorney was pressed only to remove his files from the computer assigned to him by Lee & Hayes PLLC so that the computer could be prepared for use by another attorney hired by Lee & Hayes PLLC that was scheduled to start the following week.
10. The undersigned attorney joined Merchant & Gould P.C. on Tuesday, September 5, 2006.
11. The undersigned attorney learned of the status of this case on Thursday, September 14, 2006, when he learned that the file had been transferred from Lee & Hayes PLLC to Merchant & Gould P.C., and that the case had gone abandoned for failure to respond.
12. The undersigned attorney received a file containing documents regarding this application on Monday, September 18, 2006. The undersigned attorney immediately prepared this Statement and the attached Petition to Revive, and arranged to obtain a copy of the response to the most recent Office Action to be submitted with the Request for Continued Examination on Tuesday, September 19, 2006.
13. The undersigned attorney did not request that the file be transferred to Merchant & Gould P.C. On information and belief, the applicant, Microsoft Corporation, had no specific intent that the case continue to be prosecuted by the undersigned attorney.
14. A Request for Continued Examination was due on Monday, August 28, 2006 (with the actual six month deadline date falling on Sunday, August 27, 2006), after the undersigned attorney had resigned and been removed from the payroll of Lee & Hayes PLLC.
15. The undersigned attorney, to the very best of his knowledge, does not recall having received a docketing reminder to prepare a Request for Continued Examination in this case before leaving Lee & Hayes PLLC.
16. The undersigned attorney has no knowledge as to why a Request for Continued Examination was not filed by Lee & Hayes PLLC on August 28, 2006.

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17. The undersigned attorney believes that Lee & Hayes PLLC had the obligation to file a Request for Continued Examination in this case by August 28, 2006.
18. The undersigned attorney does not know why Lee & Hayes PLLC elected to transfer this case to Merchant & Gould P.C., after the period to respond had passed.
19. For the sake of the applicant, Microsoft Corporation, Merchant & Gould P.C. and the undersigned attorney hereby submit the required response, Request for Continued Examination, fees, and this Statement as to why the delay in responding to this case was unavoidable.

CONCLUSION

For the foregoing reasons, the undersigned attorney humbly requests revival of this application, so that the Examiner can consider the Request for Continued Examination and the response to Office Action filed herewith. In consideration of this petition, together with the documents, fees, and statement of unintentional delay filed herewith, Applicant respectfully requests revival and reconsideration of this application. If the Examiner or anyone with the Office have any questions, please do not hesitate to contact the undersigned attorney at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(206) 342-6200

Date: September 19, 2006



A handwritten signature in black ink, appearing to read "Frank J. Bozzo".

Frank J. Bozzo
Reg. No. 36,756
Direct Dial: (206) 342-6294